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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,905	12/26/2001	Kyo Ho Moon	8733.541.00	7606
30827	7590	11/05/2004	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				GEBREMARIAM, SAMUEL A
ART UNIT		PAPER NUMBER		
		2811		

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/025,905	HO MOON, KYO	
	Examiner Samuel A Gebremariam	Art Unit 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5-9 and 12-15 is/are rejected.
- 7) Claim(s) 3,4,10 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (APA) and in view of Suzawa et al. US patent No. 6,475,836.

Regarding claims 1 and 9, APA teaches (figs. 3A-3G) a method of fabricating an X-ray detecting device, comprising the steps of: providing a thin film transistor (fig. 2) and a lower electrode (22) of a storage capacitor on a substrate (2), providing an inorganic insulating film (38) over the thin film transistor and over the lower electrode (22), providing an organic insulating film (40) over the inorganic insulating film; and simultaneously dry etching the organic insulating film and the inorganic insulating film (page 6, paragraph 0015).

APA does not teach the simultaneous etching is conducted using a mixed ratio gas that etches the organic insulating film faster than the inorganic insulating film.

It is conventional and also taught by Suzawa (figs. 1A-1C) the process of simultaneously etching using a mixed ratio gas (col. 4, lines 32-50) that etches the organic insulating film (503) faster than the inorganic insulating film (502) (this is illustrated by the fact that the etching rate between layer 503 and 502 is more than 1,

implying that the etching rate of 503 is faster than 502) in the process of forming a thin film transistor)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the dry etching process taught by Suzawa in the process of APA in order to form a uniform contact hole (refer to the abstract of Suzawa)

Furthermore the recitation "a method of fabricating an X-ray detecting device" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 2, APA teaches substantially the entire claimed process of claim 1 above including the etching rate of the organic insulating film is greater than that of the inorganic insulating film (refer to the abstract of Suzawa).

Regarding claims 5 and 12, APA teaches substantially the entire claimed process of claim 1 above including patterning the inorganic insulating film (38) and the organic insulating film (40) to provide a storage insulating film and a first protective film; forming a transparent electrode (27) on the first protective film; forming a second protective film (36) on the first protective film; and providing a pixel electrode (5) on the second protective film (fig. 2, admitted prior).

Regarding claims 6 and 13, APA teaches (fig. 2) substantially the entire claimed process of claim 1 above including forming a gate electrode on the substrate (12); forming a gate insulating film (32) over the substrate (2) and over the gate electrode; forming a semiconductor layer (34) on the gate insulating film; and forming source (14) and drain electrodes (16) on the semiconductor layer.

Regarding claims 7 and 14, APA teaches substantially the entire claimed process of claim 1 above including the inorganic insulating film is made from any silicon nitride (col. 5, lines 25-31).

Regarding claims 8 and 15, APA teaches substantially the entire claimed process of claim 1 above including the organic insulating film is made from BCB (col. 12, lines 44-48). Since BCB is an organic resin and since layer (503) is any organic resin film, the combined process of APA and Suzawa inherently teaches a BCB as the organic insulating film.

***Allowable Subject Matter***

2. Claims 3, 4, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reason for Allowance***

3. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest, singularly or in combination at least the process limitation that the mixed ratio gas contains SF<sub>6</sub>, O<sub>2</sub>, O<sub>2</sub>+ Cl<sub>2</sub> and CF<sub>4</sub>.

***Response to Arguments***

4. Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Admassu Gebremariam whose telephone number is 703 305 1913. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (571) 272-1732. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Samuel Admassu Gebremariam  
October 28, 2004



EDDIE LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800